

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA**

**JIMMY JOSEPH NEWELL,**

**Plaintiff,**

**v.**

**J. MIDDLETON, Corporal,**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**No.: 1:17-CV-00076  
REEVES/STEGER**

**MEMORANDUM and ORDER**

This is a pro se prisoner's civil rights action filed under 42 U.S.C. § 1983. On March 24, 2017, Plaintiff was ordered to complete and return the service packet for Defendant Middleton within twenty-one (21) days [Doc. 41]. Plaintiff was forewarned that his failure to return the completed service packet could jeopardize his prosecution of this lawsuit [*Id.* p. 2]. Though the allotted time for completing and returning the service packet has come and gone, Plaintiff has failed to return the service packet or otherwise respond to the Court's order.

Therefore, given the extensive adjudicatory process that has already occurred in this case, this action will be **DISMISSED with prejudice** for Plaintiff's failure to prosecute and to comply with the orders of this Court. Fed. R. Civ. P. 41(b); *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962) (recognizing a court's authority to dismiss a case sua sponte for lack of prosecution); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

In view of the reason for this dismissal, the Court **CERTIFIES** that any appeal from this dismissal would not be taken in good faith. *See* Fed. R. App. P. 24. Accordingly, should Plaintiff file a notice of appeal, he also must pay the full appellate filing fee of five-hundred, five dollars (\$505.00) or submit a motion for leave to appeal *in forma pauperis* and a certified copy of his

inmate trust fund account showing the transactions in the account for the last six months. 28 U.S.C.  
§ 1915(a)(2).

Finally, the Clerk is **DIRECTED** to close the file.

**AN APPROPRIATE ORDER WILL ENTER.**

  
UNITED STATES DISTRICT JUDGE